

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYMOLOGY INNOVATIONS, LLC,

§

Plaintiff,

§

v.

2:15-cv-01174-JRG-RSP

CIGNA CORPORATION ET AL.

§

Defendants.

§

**UNOPPOSED MOTION TO DISMISS CIGNA CORPORATION
WITHOUT PREJUDICE**

COMES NOW, Plaintiff Symbology Innovations, LLC and files this Unopposed Motion to Dismiss Defendant Cigna Corporation and respectfully moves the Court to dismiss Defendant Cigna Corporation without prejudice.

1. On June 30, 2015 Plaintiff filed suit against Defendants Cigna Corporation, Cigna Health and Life Insurance Company and Cigna Dental Health, Inc. for infringement of United States Patents No. 8,424,752, No. 8,651,369, and No. 8,936,190 (hereinafter "the '752 Patent," "the '369 Patent," and "the '190 Patent").
2. The parties have worked in good faith to resolve the issues raised by Defendant, Cigna Corporation, regarding the proper party to this action.
3. Plaintiff's complaint lists Cigna Corporation as a Defendant in this action.
4. Cigna Health and Life Insurance Company and Cigna Dental Health, Inc. represent that, as best as they presently understand the allegations in Plaintiff's complaint, they are the real parties in interest with respect to the products accused in Plaintiff's complaint (Dkt. No. 1). For purposes of this

case only and only with respect to the allegations Plaintiff's complaint (Dkt. No. 1), Cigna Health and Life Insurance Company and Cigna Dental Health, Inc. agree not to argue that Plaintiff should have brought its claim against Cigna Corporation for any purpose.

5. The parties agreed that the dismissal of Cigna Corporation is without prejudice to later adding it back in this case should Plaintiff subsequently learn that Cigna Corporation makes, uses, sells, offers or offers to sell any product or service covered by Plaintiff's asserted claims and act upon such knowledge with reasonable diligence under the circumstances.
6. Plaintiff Symbology Innovations, LLC moves to dismiss Cigna Corporation from this case.
7. Defendant does not oppose this motion.
8. This Motion is not sought for the purposes of delay, but to ensure that the correct parties are properly joined to this action.

Dated: October 14, 2015

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

BRAD KIZZIA

State Bar No. 11547550

ANTHONY RICCIARDELLI

State Bar No. 24070493

KIZZIA JOHNSON, PLLC

750 N. St. Paul Street, Suite 1320

Dallas, Texas 75201

(214) 613-3350

Fax: (214) 613-3330

jay@kjpllc.com

bkizzia@kjpllc.com

anthony@brownfoxbill.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

Pursuant to Local Court Rule CV-7(i), I certify that on October 14, 2015, Jay Johnson, counsel for Plaintiff Symbology Innovations, LLC, conferred with Ricardo Bonilla, counsel for Defendant, Cigna Corporation regarding this Motion and Mr. Bonilla does not oppose this motion.

/s/ Jay Johnson

Jay Johnson

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3)(A) on October 14, 2015.

/s/ Jay Johnson

Jay Johnson